IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN P. RUCKART	)	
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SERIAL NO.: 10/086,338	)	ART UNIT:
	)	2614
FILED: March 1, 2002	)	
	)	EXAMINER:
FOR: TELEPHONE HOLD FEATURE	)	Lisa Hashem

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

REAL PARTY IN INTEREST

The real party in interest is AT&T Intellectual Property I, L.P., an entity owning certain assets of BellSouth Intellectual Property Corporation, the assignee of record.

RELATED APPEALS AND INTERFERENCES

There are no pending appeals or interferences related to this appeal.

STATUS OF CLAIMS

Claims 1-5, 8 and 19 have been canceled.

Claims 6, 7, 9, 10, 12, 13, 17, 18 and 20-22 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon in view of Dutta.

Claims 11 and 14-16 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon in view of Dutta and Okun

The rejections of claims 6, 7, 9-18 and 20-22 are herein appealed.

STATUS OF AMENDMENTS

There have been no amendments filed after the final rejection mailed March 17, 2009.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below.

Independent claim 6 recites a method of handling an incoming call to a telecommunications device from a calling party to a called party, the method comprising: receiving one or more parameters of a hold function (Figure 1, element 160; paragraph [0047]), wherein the parameters include a user input predetermined time period during which the incoming call is placed on hold (paragraph [0047]), and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold (paragraph [0049]), the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program (paragraph [0048]); if the hold function is enabled based on the one or more parameters of the hold function (Figure 5, element 302; paragraph [0043]), automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold (Figure 5, element 304; paragraph [0043]), the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call (Figure 5, element 302; paragraph [0043]); if the hold function is not enabled, directly ringing a called party device; (Figure 5, element 308; paragraph [0044]) determining whether the called party has pressed a button on the telecommunications device to enable a hold function (Figure 5, element 310; paragraph [0044]); playing a message to the calling party that the call has been placed on hold (Figure 5, element 306; paragraph [0043]); and connecting the called party to the calling party when the called party answers the call (Figure 5, element 312; paragraph [0044]).

Independent claim 14 recites a telecommunications system, comprising: a home location register for storing a profile of a user of a telecommunications device (Figure 2, element 50), wherein the profile includes an indication of whether the user is a subscriber to an incoming call hold service implemented by the telecommunications system (Figure

2, element 50; paragraph [0026]); a services node (Figure 1, element 34) for: determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service if the hold function is enabled (Figure 5, element 302; paragraph [0043]), the determining based on a user input predetermined time period during which the incoming call is placed on hold (paragraph [0047]), and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold (paragraph [0049]), the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program (paragraph [0048]); placing the incoming call on hold prior to the call being answered (Figure 5, element 304; paragraph [0043]), the placing the call on hold being performed without input from the called party at the time of the call (Figure 5, element 304; paragraph [0043]); if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device if the hold function is not enabled (Figure 5, element 308; paragraph [0044]); determining whether the called party has pressed a button on the telecommunications device to enable a hold function (Figure 5, element 310; paragraph [0044]), playing a message to the calling party that the call has been placed on hold (Figure 5, element 306; paragraph [0043]); and connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call (Figure 5, element 312; paragraph [0044]); and a mobile switching center (Figure 2, element 46) for facilitating communication between the telecommunications device, the services node, and the home location register (paragraph [0026]).

Independent claim 17 recites an apparatus, comprising: means for receiving one or more parameters of a hold function (Figure 1, element 160; paragraph [0043]), wherein said parameters include a user input predetermined time period during which an incoming call is placed on hold (paragraph [0047]), and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold (paragraph [0049]), the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program (paragraph [0048]); means for automatically answering a call placed by a calling party to

a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold (Figure 5, element 304; paragraph [0043]), the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call (Figure 5, element 302; paragraph [0043]); means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function (Figure 5, element 308; paragraph [0044]); means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function (Figure 5, element 310; paragraph [0044]); means for playing a message to the calling party that the call has been placed on hold (Figure 5, element 306; paragraph [0043]); and means for connecting the called party to the calling party when the called party answers the call (Figure 5, element 312; paragraph [0044]).

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 6, 7, 9, 10, 12, 13, 17, 18 and 20-22 are patentable under 35 U.S.C. § 103(a) over Moon in view of Dutta.

Whether claims 11 and 14-16 are patentable under 35 U.S.C. § 103(a) over Moon in view of Dutta and Okun.

ARGUMENT

I. **Rejections based on Moon in view of Dutta**

A. **Claims 6, 7, 9, 10, 12, 13 and 21**

Claims 6, 7, 9, 10, 12, 13 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon in view of Dutta. This rejection is traversed for the following reasons.

Claim 6 recites, *inter alia,* "if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function." Claim 6 recites two techniques for placing a call on hold. First, the hold function may be enabled based on the one or more parameters of the hold function. Second, if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function. Neither Moon nor Dutta teaches these features.

In applying Moon to claim 8 (prior to cancellation), related to a hold button, the Examiner cited to various sections of Moon describing the input mechanism to the device of Moon. Moon, however, fails to teach a hold button used to place incoming calls on hold. In Moon, the scheduling settings control how calls are placed. There is no hold button. In the final rejection the Examiner cites to a called party pressing a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69). Settings in Figure 5A are used in the configuration of an automatic hold feature as described in column 5, line 64 – column 6, line 16. The disclosure related to bubble 64 and box 69 relate to configuring meeting settings so that the user is not disturbed during a meeting. The Examiner interpretation of these settings as "directly ringing a called party device and determining whether the called party has pressed a button on the telecommunications device to enable a hold function" is not accurate.

Dutta was also relied upon for teaching a hold button. What is absent from Dutta is the progression recited in claim 6. Claim 6 recites "if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function

is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function." The mere existence of a hold button does not teach these aspects of claim 6.

Neither Moon nor Dutta teach the progression from automatic to manual hold function recited in claim 6. Claim 6 recites "if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function." The fact that Moon and Dutta have hold buttons does not mean that the processing of claim 6 is performed.

For at least the above reasons, claim 6 is patentable over Moon in view of Dutta. Claims 7, 9-10, 12, 13 and 21 depend from claim 6 and are patentable over Moon in view of Dutta for at least the reasons advanced with respect to claim 6.

B. Claims 17, 18 and 20-22

Independent claim 17 recites "means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function; means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function." Claim 17 recites two techniques for placing a call on hold. First, the hold function may be enabled based on the one or more parameters of the hold function. Second, if the hold function is not enabled, directly ringing a called party device; determining whether the called party has pressed a button on the telecommunications device to enable a hold function. Neither Moon nor Dutta teaches these features.

In applying Moon to the hold button, the Examiner cited to various sections of Moon describing the input mechanism to the device of Moon. Moon, however, fails to teach a hold button used to place incoming calls on hold. In Moon, the scheduling settings control how calls are placed. There is no hold button. In the final rejection the Examiner cites to a called party pressing a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69). Settings in Figure 5A are used in the configuration of an automatic hold feature as described in column 5, line 64 – column 6, line 16. The disclosure related to bubble 64 and box 69 relate to configuring meeting settings so that the user is not disturbed during a meeting. The Examiner interpretation of these settings as "means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function; means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function" is not accurate.

Dutta was also relied upon for teaching a hold button. What is absent from Dutta is the progression recited in claim 17. Claim 17 recites "means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function; means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function." The mere existence of a hold button does not teach these aspects of claim 17.

Neither Moon nor Dutta teach the progression from automatic to manual hold function recited in claim 17. Claim 17 recites "means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call; means for directly ringing a called party device if the hold function is not enabled based on the one or more

parameters of the hold function; means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function." The fact that Moon and Dutta have hold buttons does not mean that the processing from automatic hold to manual hold of claim 17 is performed.

For at least the above reasons, claim 17 is patentable over Moon in view of Dutta. Claims 18, 20 and 22 depend from claim 17 and are patentable over Moon in view of Dutta for at least the reasons advanced with respect to claim 17.

II. Rejections based on Moon in view of Dutta and Okun

A. Claim 11

With respect to claim 11, Okun was relied upon for allegedly disclosing playing a message resident on a services node of a telecommunications network, but fails to cure the deficiencies of Moon in view of Dutta discussed above with reference to claim 6. Claim 11 depends from claim 6 and is patentable over Moon in view of Dutta and Okun for at least the reasons advanced with reference to claim 6.

B. Claims 14-16

Claims 14-16 were rejected under 35 U.S.C. § 102 as being unpatentable over Moon in view of Dutta and Okun. This rejection is traversed for the following reasons.

Claim 14 recites "determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service if the hold function is enabled, the determining based on a user input predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program; placing the incoming call on hold prior to the call being answered, the placing the call on hold being performed without input from the called party at the time of the call; if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device if the hold function is not enabled; determining whether the

called party has pressed a button on the telecommunications device to enable a hold function." Neither Moon nor Dutta teaches these features as discussed above with reference to claim 6, for example. Okun fails to cure the deficiencies of Moon in view of Dutta. Okun was relied upon for allegedly disclosing playing a message resident on a services node of a telecommunications network. This teaching by Okun does not cure the fact that Moon and Dutta fail to teach the hold button or the progression recited in claim 14. Accordingly, claim 14 is patentable over Moon in view of Dutta and Okun. Claims 15-16 depend from claim 14 and are patentable over Moon in view of Dutta and Okun for at least the same reasons.

III. Conclusion

In view of the foregoing, it is respectfully requested that the appealed rejections be reversed.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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CLAIM APPENDIX

6. A method of handling an incoming call to a telecommunications device from a calling party to a called party, the method comprising:

receiving one or more parameters of a hold function, wherein the parameters include a user input predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program;

if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call;

if the hold function is not enabled, directly ringing a called party device;

determining whether the called party has pressed a button on the telecommunications device to enable a hold function;

playing a message to the calling party that the call has been placed on hold; and

connecting the called party to the calling party when the called party answers the call.

7. The method of claim 6, further comprising determining whether the called party has enabled a hold function.

9. The method of claim 6, further comprising alerting the called party of the incoming call.

10. The method of claim 6, further comprising connecting the calling party to a voicemail system when the called party does not answer the call within a predetermined time period.

11. The method of claim 6, wherein playing a message to the calling party includes playing a message that is resident on a services node of a telecommunications network.

12. The method of claim 6, wherein playing a message to the calling party includes playing a pre-recorded message stored in a memory device resident on the telecommunications device.

13. The method of claim 6, further comprising connecting the call to a voicemail system when the called party presses a button on the telecommunications device.

14.   A telecommunications system, comprising:

a home location register for storing a profile of a user of a telecommunications device, wherein the profile includes an indication of whether the user is a subscriber to an incoming call hold service implemented by the telecommunications system;

a services node for:

determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service if the hold function is enabled, the determining based on a user input predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program;

placing the incoming call on hold prior to the call being answered, the placing the call on hold being performed without input from the called party at the time of the call;

if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device if the hold function is not enabled;

determining whether the called party has pressed a button on the telecommunications device to enable a hold function

playing a message to the calling party that the call has been placed on hold; and

connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call; and

a mobile switching center for facilitating communication between the telecommunications device, the services node, and the home location register.

15.   The system of claim 14, wherein the services node includes an enunciator.

16.   The system of claim 15, wherein the enunciator is for playing a message to a calling party when a call is placed on hold.

17.   An apparatus, comprising:

means for receiving one or more parameters of a hold function, wherein said parameters include a user input predetermined time period during which an incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program;

means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call;

means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function;

means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function;

means for playing a message to the calling party that the call has been placed on hold; and

means for connecting the called party to the calling party when the called party answers the call.

18.   The apparatus of claim 17, further comprising means for determining whether the called party has enabled a hold function.

20.   The apparatus of claim 17, further comprising means for alerting the called party of the incoming call.

21. The method of claim 6 wherein:

the receiving one or more parameters of the hold function is performed via a web interface.

22. The apparatus of claim 17 wherein:

the means for receiving one or more parameters of the hold function receives the one or more parameters via a web interface.

EVIDENCE APPENDIX

Not Applicable

RELATED PROCEEDINGS APPENDIX

Not Applicable